

**REMARKS/ARGUMENTS**

The election of Group I as set forth in the prior official action is affirmed, and traverse withdrawn.

The Examiner objected to informalities in claims 2 and 11. These have been corrected, as has a missing word in claim 10. No new matter has been added.

The invention is drawn to a toggle bolt apparatus which can advantageously be used to secure a threaded socket to the wall of a mold for a poured concrete article. The toggle bolt has certain advantageous structures as set forth in claim 1, including a head portion having rounded end and at least one flexible wings. The Examiner has rejected this claim over US 6,789,776 to Gavin (hereafter Gavin) in view of US 5,551,817 to Kanie (hereafter Kanie). Reconsideration of this rejection is respectfully requested.

Gavin is drawn to similar subject matter, but recites that the head is a smooth pin. One objective of Gavin is to provide the pin such that it is easily removed from the mold wall after molding is complete. (See Gavin, col 1, line 33-35, col 1, lines 48-51, for example). Against this teaching, the Examiner modifies Gavin to include teaching from Kanie, which is from a very different field of technology having nothing to do with the subject matter of the claims of the application.

The present claims and also the Gavin reference are drawn to the very specific field of securing articles relative to mold walls for forming concrete molded structures containing the articles. Kanie is drawn to a fastener for holding panel walls together, and makes no mention of any applicability to the field of endeavor of the present invention.

It is respectfully submitted that a person of ordinary skill in the art would not consult such technology for teachings in the specific field of the present invention. Further, there is no suitable motivation for such a person skilled in the art to make such a modification of Gavin, particularly in the face of the clear teaching in Gavin away from such a modification since the wing structures would appear to cut against the stated objective in Gavin of making the remains of the stud (head portion) easily removable from the mold wall after molding is complete.

Dependent claims 2-11 and new claims 13-15 all depend directly or indirectly from claim 1 and are submitted to be allowable based upon this dependency, and also in their own right.

In connection with claim 4, the Examiner has further relied upon a tertiary reference, specifically, US 6,406,236 to Olson, Jr. (hereafter Olson). Olson is also drawn to a panel fastener, and has no stated applicability to the filed of endeavor of the present claims. Further, modification of the Gavin teaching to include the ridges of Olson would also cut against the teaching of Gavin as mentioned above, since such ridges hardly help in ease of removal of the stud portion or head portion from the mold wall.

Claim 5 was rejected using Gavin and Kanie and further US 6,679,712 to Chang. Chang is also from a very different filed, specifically, a fixture for an electrical device. A person of skill in the art to which the present invention pertains would not consult teachings in the diverse field of Chang. Further, there does not appear to be any suitable motivation for this modification to Gavin, which has no structure which requires the flexibility provided by the slot.

Claim 8 and new claim 13 are drawn to the embodiment of Figure 6. As shown in the drawing, the forward extending portions are spaced from each other to allow the tip of the insert to contract during insertion into a hole in the mold wall. The Examiner had relied upon Kanie as teaching this structure as claimed in original claim 8. It is submitted that the solid rounded front of the Kanie device is clearly not the structure which is set forth in claim 8, and reconsideration of the interpretation of Kanie used by the Examiner is earnestly solicited. Kanie clearly has no structure extending forwardly from the hinge connection, but rather shows a solid rounded tip with rearwardly extending flaps.

Claim 13 adds further detail and is clearly not disclosed nor suggested by Kanie or the other art of record.

Claim 14 combines the central slot as shown in Figure 6 and recited in claim 5 along with the subject matter of claim 13. This claim is submitted to clearly define over the art of record.

Finally, claim 15 has been added to more clearly recite the specific wing and central portion structure of the embodiment of Figures 1-5. The compressed and extended position recited in this claim, and the resulting positioned of elements, are as clearly illustrated in Figures 1-5. Nothing in the art of record discloses or suggests such structure.

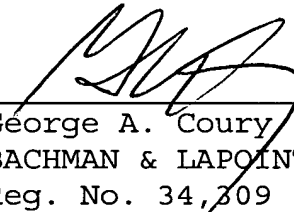
An earnest and thorough effort has been made to place this application in condition for allowance. If, upon consideration of this response, the Examiner feels there are issues which can be resolved by telephone interview, the Examiner is respectfully invited to telephone the undersigned.

Appl. No. 10/811,372  
Amdt. Dated June 27, 2005  
Reply to office action of Dec. 27, 2004

It is believed that no additional fee is due in connection with this paper. If, however, any fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

By

  
George A. Coury  
BACHMAN & LAPOINTE, P.C.  
Reg. No. 34,309  
Attorney for the Applicant(s)

Telephone: (203) 777-6628  
Telefax: (203) 865-0297  
Email: couryg@bachlap.com

Date: June 27, 2005

I, George A. Coury, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on June 27, 2005

  
George A. Coury